

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANDREA TANTAROS,

Petitioner,

19-cv-7131 (ALC)

v.

FOX NEWS NETWORK, LLC., WILLIAM
SHINE, THE ESTATE OF ROGER AILES,
SUZANNE SCOTT, IRENA BRIGANTI,
AND DIANNE BRANDI,

Respondents.

PETITIONER'S NOTICE OF SUPPLEMENTAL AUTHORITY

Petitioner Andrea Tantaros hereby submits this Notice of Supplemental Authority related to the pending Motions to Dismiss (ECF Nos. 100 & 103). On March 3, 2022, the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021 was signed into law, after passing Congress with broad bi-partisan support. *See* Pub. L. No. 117-90, 136 Stat. 26 (2022) (codified at 9 U.S.C.A. §§ 401-402). The law invalidates pre-dispute arbitration agreements that preclude a party from filing a lawsuit in court relating to a sexual assault or sexual harassment dispute, at the election of the party alleging such conduct. 9 U.S.C.A. § 402. This law, relevant portions of its legislative history, and related public statements, attached hereto as Exhibits 1-3 respectively, should be considered by the Court in denying Respondents' Motions to Dismiss because they confirm the long-existing public policy against forced arbitration of claims relating to sexual harassment. (*See* Petitioner's Mem. in Opp., at 1, 5-10, ECF No. 114).

Vice President Kamala Harris expounded on the legislative intent and intended goals at the signing of the law: “Forced arbitration silences survivors of sexual assault and harassment. It shields predators instead of holding them accountable and gives corporations a powerful tool to hide abuse and misconduct. And it compels the people of our nation — and most often the women of our nation — to sign away one of their most fundamental rights: the right to seek justice in court. The legislation the President will sign today will end forced arbitration in all cases of sexual abuse. ... And — and almost equally as important, it will apply retroactively ... invalidating every one of these agreements, no matter when they were entered into.”

<https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/03/03/remarks-by-vice-president-harris-at-signing-of-h-r-4445-ending-the-forced-arbitration-of-sexual-assault-and-sexual-harassment-act-of-2021/> (last visited April 7, 2022).

Petitioner, who has strong claims of sexual harassment and retaliation against her former employer, Fox News, argues that the forced arbitration provision to which Fox News subjected her as part of her employment agreement is null and void under New York’s Civil Practice Law and Rules (“CPLR”) § 7515 and is unconscionable, which correlates directly to critically necessary and newly established federal legislation and public policy against forced arbitration of Petitioner’s claims. (*See* Petitioner’s Mem. in Opp., at 1, 5-6, 10, ECF No. 114). Therefore, this supplemental authority is intrinsically relevant to establishing and enforcing that federal legislation and public policy, and we respectfully request that the Court consider it in denying Respondents’ Motions to Dismiss.

Dated: New York, New York
April 7, 2022

A handwritten signature in black ink, appearing to read 'Cara E. Greene', is positioned above a horizontal line.

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